



AN ACT REPLACING THE UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT WITH THE UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT; AMENDING SECTIONS 25-9-601, 25-9-602, 25-9-603, 25-9-605, 25-9-606, AND 25-9-607, MCA; REPEALING SECTION 25-9-604, MCA; AND PROVIDING AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 25-9-601, MCA, is amended to read:

**"25-9-601. Short title.** This part may be cited as the "Uniform ~~Foreign Money Judgments~~ Foreign-Country Money Judgments Recognition Act"."

**Section 2.** Section 25-9-602, MCA, is amended to read:

**"25-9-602. Definitions.** As used in this part, the following definitions apply:

(1) "Foreign country" means a government other than:

(a) the United States;

(b) a state, district, commonwealth, territory, or insular possession of the United States; or

(c) any other government with regard to which the decision in this state as to whether to recognize a judgment of that government's courts is initially subject to determination under the full faith and credit clause of the United States constitution.

~~(1)(2) "Foreign Foreign-country judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty, or a judgment for support in matrimonial or family matters~~ country.

~~(2) "Foreign state" means any governmental unit other than the United States or any state, district, commonwealth, territory, or insular possession thereof or the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands."~~

**Section 3.** Section 25-9-603, MCA, is amended to read:

**"25-9-603. Applicability.** (1) This Except as provided in subsection (2), this part applies to a any foreign foreign-country judgment to the extent that the judgment:

(a) grants or denies recovery of a sum of money; and

(b) under the law of the foreign country where rendered, that is final, and conclusive, and enforceable where rendered even though an appeal from the judgment is pending or it is subject to appeal.

(2) This part does not apply to a foreign-country judgment, even if the judgment grants or denies recovery of a sum of money, to the extent that the judgment is:

(a) a judgment for taxes;

(b) a fine or other penalty; or

(c) a judgment for dissolution of marriage, support, or maintenance, or other judgment rendered in connection with domestic relations.

(3) A party seeking recognition of a foreign-country judgment has the burden of establishing that this part applies to the foreign-country judgment."

**Section 4.** Section 25-9-605, MCA, is amended to read:

**"25-9-605. ~~Grounds for nonrecognition~~ Standards for recognition of foreign-country judgment.**

(1) Except as provided in subsections (2) and (3), a court of this state shall recognize a foreign-country judgment to which this part applies.

(1)(2) A foreign court of this state may not recognize a foreign-country judgment is not conclusive if:

(a) the judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(b) the foreign court did not have personal jurisdiction over the defendant; or

(c) the foreign court did not have jurisdiction over the subject matter.

(2)(3) A foreign judgment court of this state need not be recognized recognize a foreign-country judgment if:

(a) the defendant in the proceedings proceeding in the foreign court did not receive notice of the proceedings proceeding in sufficient time to enable the defendant to defend;

(b) the judgment was obtained by fraud that deprived the losing party of an adequate opportunity to

present its case;

(c) the judgment or the cause of action or claim for relief on which the judgment is based is repugnant to the public policy of this state or of the United States;

(d) the judgment conflicts with another final and conclusive judgment;

(e) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be ~~settled~~ determined otherwise than by proceedings in that court; ~~or~~

(f) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action;

(g) the judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or

(h) the specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.

(4) A party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition stated in subsection (2) or (3) exists."

**Section 5.** Section 25-9-606, MCA, is amended to read:

**"25-9-606. Personal jurisdiction.** (1) ~~Except as provided in 25-9-605, the foreign~~ A foreign-country judgment may not be refused recognition for lack of personal jurisdiction if:

(a) the defendant was served with process personally in the foreign ~~state~~ country;

(b) the defendant voluntarily appeared in the ~~proceedings~~ proceeding, other than for the purpose of protecting property seized or threatened with seizure in the ~~proceedings~~ proceeding or of contesting the jurisdiction of the court over the defendant;

(c) the defendant, ~~prior to~~ before the commencement of the ~~proceedings~~ proceeding, had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

(d) the defendant was domiciled in the foreign ~~state~~ country when the ~~proceedings were~~ proceeding was instituted or, ~~being a body corporate,~~ was a corporation or other form of business organization that had its principal place of business in, or was incorporated, or had otherwise acquired corporate status in organized under the laws of, the foreign ~~state~~ country;

(e) the defendant had a business office in the foreign ~~state~~ country and the ~~proceedings~~ proceeding in

the foreign court involved a cause of action or claim for relief arising out of business done by the defendant through that office in the foreign ~~state~~ country; or

(f) the defendant operated a motor vehicle or airplane in the foreign ~~state~~ country and the proceedings involved a cause of action or claim for relief arising out of ~~the~~ that operation.

(2) The list of bases for personal jurisdiction in subsection (1) is not exclusive. The courts of this state may recognize other bases of personal jurisdiction other than those listed in subsection (1) as sufficient to support a foreign-country judgment."

**Section 6.** Section 25-9-607, MCA, is amended to read:

**"25-9-607. Stay in case of proceedings pending appeal of foreign-country judgment.** If the defendant satisfies the court either a party establishes that an appeal from a foreign-country judgment is pending or that the defendant is entitled and intends to appeal from the foreign judgment will be taken, the court may stay the any proceedings with regard to the foreign-country judgment until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant is concluded, the time for appeal expires, or the appellant has had sufficient time to prosecute the appeal and has failed to do so."

**Section 7. Procedure for recognition of foreign-country judgment.** (1) If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition must be raised by filing an action seeking recognition of the foreign-country judgment.

(2) If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

**Section 8. Effect of recognition of foreign-country judgment.** If the court in a proceeding under [section 7] finds that the foreign-country judgment is entitled to recognition under this part then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is:

(1) conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in this state would be conclusive; and

(2) enforceable in the same manner and to the same extent as a judgment rendered in this state.

**Section 9. Statute of limitations.** An action to recognize a foreign-country judgment must be commenced within the earlier of the time during which the foreign-country judgment is effective in the foreign country or 10 years from the date that the foreign-country judgment became effective in the foreign country.

**Section 10. Repealer.** Section 25-9-604, MCA, is repealed.

**Section 11. Codification instruction.** [Sections 7 through 9] are intended to be codified as an integral part of Title 25, chapter 9, part 6, and the provisions of Title 25, chapter 9, part 6, apply to [sections 7 through 9].

**Section 12. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

**Section 13. Applicability.** [This act] applies to all actions commenced on or after [the effective date of this act] in which the issue of recognition of a foreign-country judgment is raised.

- END -

I hereby certify that the within bill,  
SB 0209, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

SENATE BILL NO. 209

INTRODUCED BY LASLOVICH, SHOCKLEY, JENT

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